

REMARKS

The Office Action mailed July 9, 2010, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Interview Record

Applicants gratefully acknowledge the courtesy and consideration extended to Applicants' undersigned representative during the telephone interviews with Examiner Helene Bor on July 3 and July 6, 2010.

During the interviews, the above changes were proposed and it was agreed that they would overcome the 35 USC 112, second paragraph rejections and render the claims allowable over the prior art.

35 U.S.C. §112, Sixth Paragraph

Claims 1-14 have been amended to expressly recite "means for" limitations and more clearly invoke 35 USC 112, sixth paragraph.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-6 and 12-14 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bolomey et al. (U.S. pat. no. 6,424,597; hereinafter, "Bolomey"). Applicants respectfully traverse.

The basis of the prior art rejection is that Applicants' claims read on Bolomey because the claims do not properly invoke 35 USC 112, sixth paragraph. In view of the above amendment, Applicants respectfully submit that the claims are now in means-plus-function format and accordingly invoke 35 USC 112, sixth paragraph, and a proper reading thereof must take into account corresponding structure in the specification. Thus for instance the recited

“means for bringing the elements into contact with the surface of an object to be checked” (claim 1), must be interpreted in light of its description in for example FIG. 1 and corresponding disclosure. Bolomey, as previously explained, does not disclose such means, falling instead into the class of prior art over which the presently-claimed invention improves.

Rejection(s) Under 35 U.S.C. § 103(a)

Claims 7-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bolomey as applied to claim 1-6 and 12-14, above, and further in view of Bjorner et al. (U.S. pat. no. 5,485,263; hereinafter, “Bjorner”).

Claims 7-11 variously depend, directly or indirectly, from the base claims addressed above. Bjorner fails to remedy the above-mentioned shortcomings of Bolomey with respect to the base claims. Accordingly, claims 7-11, which by definition include all the limitations of the base claims, are patentable over the combination of these references.

Double Patenting Rejection

Applicants gratefully acknowledge the withdrawal of the double patenting rejection.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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